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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,916	08/26/2003	Joachim Tiemann	01423P0006US	2443
32116 7590 03/12/2007 WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			EXAMINER KATCHEVES, BASIL S	
			ART UNIT 3635	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/647,916

Applicant(s)

TIEMANN ET AL.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-28 is/are pending in the application.
- 4a) Of the above claim(s) 6-21 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,22-26,28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Pending claims 1, 2, 4, 5, 22-26 and 28 are examined below.

Claim Objections

Claim 1 is objected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is directed to a subcombination dowel but recites limitations of an insulating plate and interaction between the dowel and the insulating plate, appearing to be a combination. The claims are treated as being drawn to a subcombination dowel. Clarification is required.

Claim Rejections - 35 USC § 102

Claims 1, 2, 4, 5, 22-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,308,483 to Romine as in the previous office action.

Regarding claim 1, Romaine discloses a dowel assembly having a pressing plate (fig. 5: 102), a dowel sleeve (162), attached to the pressing plate for an expansion element (41) with head (42), the dowel sleeve having an expansion zone (fig. 5: space occupied by 160), and cutting elements which are tooth shaped (146) at the lower side and outer circumference of the pressing plate. The cutting devices being capable of cutting a radial pattern into an insulation plate, since the teeth are radially spaced.

Regarding claim 2, Romine discloses the pressing plate (102) as having a pressing plate shaft (shaft where aperture 148 is located) which can be shifted against the dowel sleeve (162).

Regarding claims 4, 24 and 25, Romine discloses an engagement device (160).

Regarding claims 5 and 26, Romine discloses the dowel sleeve as having an anti twist device (fig. 5: see side profiles of 162).

Regarding claims 22 and 23, Romine discloses the pressing plate as having a recess (fig. 5: where 48 fits) for the engagement of a drive (45).

Regarding claim 28, Romaine discloses a dowel assembly having a pressing plate (fig. 5: 102), a dowel sleeve (162), attached to the pressing plate for an expansion element (41) with head (42), the dowel sleeve having an expansion zone (fig. 5: space occupied by 160), and cutting elements which are tooth shaped (146) at the lower side and outer circumference of the pressing plate. The cutting devices being capable of cutting a radial pattern into an insulation plate, since the teeth are radially spaced. In addition, Romine discloses the outer rim (area encompassed at fig. 4: 144) as having cutting teeth.

Response to Arguments

Applicant's arguments filed 12/22/06 have been fully considered but they are not persuasive. Applicant argues that with the current amendment, all of the cutting elements are arranged in a circle about the outer edge of the pressing plate. However, the applicant should note that the claim states "an outer rim" which is met by the prior

art which has several outer rims as seen in fig. 6, and "cutting elements" located "at the outer rim". Again, fig. 6 teaches cutting elements located at several outer rims of the pressing plate. The applicant states the intention of the claimed subject matter but the claim does not specifically claim the features for which the applicant is addressing in the remarks. The applicant also argues that the "barbs" of Romine are not cutting teeth and they are not located at the circumference of the pressing plate. The applicant should note that these barbs of Romine meet the structural limitations of a "cutting element" and they resemble a "tooth" shape, therefore meeting the limitations of the instant application as claimed. Regarding the circumference, the claim states that the invention has "a circumference", as can be seen in fig. 6, Romine has several circumferences, each corresponding to a different flat layer of the pressing plate (each one may also be construed as a pressing plate), these circumferences each contain a series of "teeth" (again, shown in fig. 6). Applicant argues the function of the "barbs" of Romine in that they are not intended to turn and cut, however, the barbs, or teeth, or located in a circular pattern and will create a circular cut pattern into the underlying material when pressed. This meets the structural limitations of the instant application as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK *[Signature]*

3/7/07


Carl D. Friedman
Supervisory Patent Examiner
Group 3600